

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 16-19, 28-31, 40-43, 52-55, 64-67, and 76-79 are currently pending. No claims have been amended, but Claims 88 and 89 have been added by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 16-18, 28-30, 40-42, 52-54, 56-58, 64-66 and 76-78 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,026,232 to Yogeshwar et al. (hereinafter “the ‘232 patent”); and Claims 19, 31, 43, 51, 55, 59, 67, and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘232 patent in view of U.S. Patent No. 6,438,083 to Kroon (hereinafter “the ‘083 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants' representative on September 28, 2009, at which time the outstanding rejection of the claims was discussed. In particular, two limitations recited in Claim 16 were discussed: (1) a format of the slot information within the characteristic point information corresponding to a stream type, and (2) all of the stream files being recorded in a first area of the recording medium and all of the program information files being recorded in a second area of the recording medium. At the conclusion of the interview, the Examiner agreed to reconsider the rejection of Claim 16 in light of the discussion, when a formal response to the outstanding Office Action is filed.

Claim 16 is directed to a processing apparatus, comprising: (1) an encoder configured to encode video and/or audio signals to generate stream files; (2) a processor configured to generate characteristic point information including a number of streams used by a program, identification information of each stream, attribute information of each stream corresponding to each identification information, and slot information of each stream, **a format of the slot**

information within the characteristic point information corresponding to a stream type,

the characteristic point information being included in a separate program information file corresponding to each stream file and being used to access characteristic points when reproducing the stream files; and (3) a recording unit configured to record the stream files and corresponding program information files containing the characteristic point information separately on different areas of a recording medium, all of the stream files being recorded in a first area of the recording medium and all of the program information files being recorded in a second area of the recording medium.

The '232 patent is directed to a method and system in which a section of a previously encoded digital bit stream is replaced with another section of encoded video. In particular, the '232 patent discloses that the method includes the steps of (1) determining a start point and an end point at which the encoded video is to be modified; (2) obtaining unencoded video including video for insertion between the start point and the end point; (3) encoding the unencoded video by performing an encoding process; and (4) placing the encoded video generated by the coding process into the encoded bit stream. As shown in Figure 40, the '232 patent discloses the structure 900 of a formatted disc, which includes a disc information file 908 and various data files 910-914. In particular, as shown in Figure 41, the disc information file 908 includes file management information 920 that includes file management table 924, disc structure information 926, and menu structure information 928. Further, the '232 patent discloses that the data file 910 includes data file management information 940, which in turn includes data file management table 944, sequence information table 946, cell information table 948, and data search map 950, as shown in Figure 42. Further, the '232 patent discloses that the data file management table 944, which is part of each data file 910, includes information related to every aspect of the data file 910, including a field that describes a

number of audio streams in the file, the audio stream attributes including an audio coding mode, the audio coding mode including monaural, stereo, and digital surround.¹

However, Applicants respectfully submit that the '232 patent fails to disclose characteristic point information including the number of streams used by a program, identification information of each stream, attribute information of each stream corresponding to each identification information, and slot information of each stream, a format of the slot information within the characteristic point information corresponding to a stream type, as recited in amended Claim 16. While the '232 patent discloses that, within the data file 910, the data file management table includes information about the data file 910, the '232 patent does not disclose that the characteristic point information includes at least four pieces of information, including slot information of each stream, a format of the slot information with the characteristic point information corresponding to a stream type, as recited in Claim 16.

In this regard, Applicants note that the Office Action points to column 56, lines 36-39 and column 57, lines 1-19 as disclosing this limitation.

However, Applicants note that that passage in column 56 of the '232 patent merely indicates that the disk structure information 926 includes a field that indicates the type of each of the data files, including whether the file contains both video and audio information or only audio information. However, Applicants note that the field within the disk structure information 926 has the same format, regardless of what value the field indicates regarding the type of each of the data files, i.e., whether they contain audio information and video information. However, Applicants note that Claim 16 requires that the program information file, which includes the characteristic point information, include slot information that has a format that corresponds to a stream type. As shown in Figures 24 and 62, in a non-limiting

¹ See '232 patent, column 58, lines 29-55.

example, the present application discloses that the slot information field included within a program information file can have different formats depending upon the stream type. In other words, the program information file itself has a different format depending upon the stream type. On the contrary, the passage in column 56, lines 36-40, relates only to a field in the disk structure information 926 that always has the same format, but may have different data values depending on the type of the corresponding data.

Further, Applicants note that the passage in column 57, lines 1-19 discloses that the menu structure information 926 includes a display sequence that includes a plurality of cells, and states that two sequences can share several cells, wherein the viewing sequence for each sequence can include a different combination of the cells. However, Applicants note that the passage in column 57, lines 1-19 is unrelated to the format of the program information file being different depending upon and corresponding to the stream type.

Further, Applicants respectfully submit that the '232 patent fails to disclose a recording unit configured to record the stream files and a corresponding program information file containing the characteristic point information separately on different areas of a recording medium, **all of the stream files being recorded in a first area of the recording medium and all of the program information files being recorded in a second area of the recording medium**, as recited in amended Claim 16. Rather, as shown in Figures 40 and 42, the '232 patent discloses that each data file recorded on the disk includes a combination of file information and content data. The '232 patent does not disclose at all the stream files are recorded in a first area of the recording medium, and that all of the program information files are recorded in a second area of the recording medium. Rather, as discussed above, the '232 patent discloses the consecutive, alternative recording of data file management information and content data, as shown in Figure 40.

Further, regions 920 and 922 cited on page 3 of the Office Action are part of the disc information file 908 shown in Figure 40, which is merely a single file and can not read on all of the stream files and all of the program information files recited in Claim 16.

For the reasons stated above, Applicants respectfully traverse the rejection of Claim 16 (and dependent Claims 17 and 18) as anticipated by the '232 patent.

Independent Claims 28, 40, 52, 64, and 76 recite the slot information and the characteristic point information recited in Claim 16. Moreover, Claims 28, 40, 52, 64, and 76 have been amended in a manner analogous to the amendment to Claim 16. Accordingly, for the reasons stated above, Applicants respectfully traverse the rejections of the above-noted independent claims as anticipated by the '232 patent.

Regarding the rejection of dependent Claims 19, 31, 43, 55, 67, and 79 under 35 U.S.C. § 103(a), Applicants respectfully submit that the '083 patent fails to remedy the deficiencies of the '232 patent, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and the rejections of the above-noted dependent claims should be withdrawn.

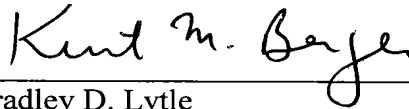
The present amendment also sets forth new dependent Claims 88 and 89 for examination on the merits. New Claims 88 and 89 depend from method Claims 28 and do not add new matter. See Figures 1, 24, and 62 and the discussion related thereto in the specification.

Thus, it is respectfully submitted that Claims 16-19, 28-31, 40-43, 52-55, 64-67, and 76-79 patentably define over any proper combination of the '232 and '083 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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